

(b) CONFORMING AMENDMENTS-

- (1) AMENDMENTS TO THE TABLE OF CONTENTS- The table of contents in section 1 of the Act entitled 'An Act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes', approved November 5, 2002 (116 Stat. 1940; Public Law 107-279), is amended--
- (A) by redesignating the item relating to part E as the item relating to part F; and
 - (B) by inserting after the item relating to section 174 the following:

'Part E--National Center for Special Education Research

'Sec. 175. Establishment.

'Sec. 176. Commissioner for Special Education Research.

'Sec. 177. Duties.'

(2) EDUCATION SCIENCES REFORM ACT OF 2002- The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended--

- (A) in section 111(b)(1)(A) (20 U.S.C. 9511(b)(1)(A)), by inserting 'and special education' after 'early childhood education';
- (B) in section 111(c)(3) (20 U.S.C. 9511(c)(3))--
 - (i) in subparagraph (B), by striking 'and' after the semicolon;
 - (ii) in subparagraph (C), by striking the period and inserting '; and'; and
 - (iii) by adding at the end the following:

'(D) the National Center for Special Education Research (as described in part E).';

(C) in section 115(a) (20 U.S.C. 9515(a)), by striking 'including those' and all that follows through 'such as' and inserting 'including those associated with the goals and requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as'; and

(D) in section 116(c)(4)(A)(ii) (20 U.S.C. 9516(c)(4)(A)(ii)), by inserting 'special education experts,' after 'early childhood experts,'.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965- Section 1117(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6317(a)(3)) is amended by striking 'part E' and inserting 'part D'.

SEC. 202. NATIONAL BOARD FOR EDUCATION SCIENCES.

Section 116(c)(9) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(9)) is amended by striking the third sentence and inserting the following:

`Meetings of the Board are subject to section 552b of title 5, United States Code (commonly referred to as the Government in the Sunshine Act).`.

SEC. 203. REGIONAL ADVISORY COMMITTEES.

Section 206(d)(3) of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9605(d)(3)) is amended by striking `Academy' and inserting `Institute'.

TITLE III--MISCELLANEOUS PROVISIONS

SEC. 301. AMENDMENT TO CHILDREN'S HEALTH ACT OF 2000.

Section 1004 of the Children's Health Act of 2000 (42 U.S.C. 285g note) is amended--

(1) in subsection (b), by striking `Agency' and inserting `Agency, and the Department of Education'; and

(2) in subsection (c)--

(A) in paragraph (2), by striking `and' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting `; and'; and

(C) by adding at the end the following:

`(4) be conducted in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records, except without the use of authority or exceptions granted to authorized representatives of the Secretary of Education for the evaluation of Federally-supported education programs or in connection with the enforcement of the Federal legal requirements that relate to such programs.'.

SEC. 302. EFFECTIVE DATES.

(a) Parts A, B, and C, and subpart 1 of part D-

(1) IN GENERAL- Except as provided in paragraph (2), parts A, B, and C, and subpart 1 of part D, of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 2005.

(2) HIGHLY QUALIFIED DEFINITION- Subparagraph (A), and subparagraphs (C) through (F), of section 602(10) of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on the date of enactment of this Act for purposes of the Elementary and Secondary Education Act of 1965.

(b) SUBPARTS 2, 3, AND 4 OF PART D- Subparts 2, 3, and 4 of part D of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on the date of enactment of this Act.

(c) Education Sciences Reform Act of 2002-

(1) NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH- Sections 175, 176, and 177 (other than section 177(c)) of the Education Sciences Reform Act of 2002, as enacted by section 201(a)(2) of this Act, shall take effect on the date of enactment of this Act.

(2) PLAN- Section 177(c) of the Education Sciences Reform Act of 2002, as enacted by section 201(a)(2) of this Act, shall take effect on October 1, 2005.

SEC. 303. TRANSITION.

(a) ORDERLY TRANSITION-

(1) IN GENERAL- The Secretary of Education (in this section referred to as 'the Secretary') shall take such steps as are necessary to provide for the orderly transition from the Individuals with Disabilities Education Act, as such Act was in effect on the day preceding the date of enactment of this Act, to the Individuals with Disabilities Education Act and part E of the Education Sciences Reform Act of 2002, as amended by this Act.

(2) LIMITATION- The Secretary's authority in paragraph (1) shall terminate 1 year after the date of enactment of this Act.

(b) MULTI-YEAR AWARDS- Notwithstanding any other provision of law, the Secretary may use funds appropriated under part D of the Individuals with Disabilities Education Act to make continuation awards for projects that were funded under section 618, and part D, of the Individuals with Disabilities Education Act (as such section and part were in effect on September 30, 2004), in accordance with the terms of the original awards.

(c) RESEARCH- Notwithstanding section 302(b) or any other provision of law, the Secretary may award funds that are appropriated under the Department of Education Appropriations Act, 2005 for special education research under either of the headings 'SPECIAL EDUCATION' or 'INSTITUTE OF EDUCATION SCIENCES' in accordance with sections 672 and 674 of the Individuals with Disabilities Education Act, as such sections were in effect on October 1, 2004.

SEC. 304. REPEALER.

Section 644 of the Individuals with Disabilities Education Act, as such section was in effect on the day before the enactment of this Act, is repealed.

SEC. 305. IDEA TECHNICAL AMENDMENTS TO OTHER LAWS.

(a) Title 10- Section 2164(f) of title 10, United States Code is amended--

(1) in paragraph (1)(B)--

(A) by striking 'infants and toddlers' each place the term appears and inserting 'infants or toddlers';

(B) by striking 'part H' and inserting 'part C'; and

(C) by striking '1471' and inserting '1431'; and

(2) in paragraph (3)--

- (A) in subparagraph (A)--
 - (i) by striking `602(a)(1)' and inserting `602'; and
 - (ii) by striking `1401(a)(1)' and inserting `1401';
- (B) by striking subparagraph (B);
- (C) by redesignating subparagraph (C) as subparagraph (B); and
- (D) in subparagraph (B) (as so redesignated)--
 - (i) by striking `and toddlers' and inserting `or toddlers';
 - (ii) by striking `672(1)' and inserting `632'; and
 - (iii) by striking `1472(1)' and inserting `1432'.
- (b) Defense Dependents Education Act of 1978- Section 1409(c)(2) of the Defense Dependents Education Act of 1978 (20 U.S.C. 927(c)(2)) is amended--
 - (1) by striking `677' and inserting `636'; and
 - (2) by striking `part H' and inserting `part C'.
- (c) Higher Education Act of 1965- The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended--
 - (1) in section 465(a)(2)(C) (20 U.S.C. 1087ee(a)(2)(C)), by striking `Individuals With' and inserting `Individuals with' and;
 - (2) in section 469(c) (20 U.S.C. 1087ii(c)), by striking `602(a)(1) and 672(1)' and inserting `602 and 632'.
- (d) EDUCATION OF THE DEAF ACT- The matter preceding subparagraph (A) of section 104(b)(2) of the Education of the Deaf Act (20 U.S.C. 4304(b)(2)) is amended by striking `618(a)(1)(A)' and inserting `618(a)(1)'.
- (e) Goals 2000: Educate America Act- Section 3(a)(9) of the Goals 2000: Educate America Act (20 U.S.C. 5802(a)(9)) is amended by striking `602(a)(17)' and inserting `602'.
- (f) School-to-Work Opportunities Act of 1994- Section 4(15) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(15)) is amended--
 - (1) by striking `602(a)(17)' and inserting `602'; and
 - (2) by striking `1401(17)' and inserting `1401'.
- (g) Elementary and Secondary Education Act of 1965- The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended--
 - (1) in section 1111(b)(2)(I)(ii) (20 U.S.C. 6311(b)(2)(I)(ii)), by striking `612(a)(17)(A)' and inserting `612(a)(16)(A)';
 - (2) in section 5208 (20 U.S.C. 7221g), by striking `602(11)' and inserting `602'; and
 - (3) in section 5563(b)(8)(C) (20 U.S.C. 7273b(b)(8)(C)), by striking `682' and inserting `671'.
- (h) Rehabilitation Act of 1973- The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended--
 - (1) in section 101(a)(11)(D)(ii) (29 U.S.C. 721(a)(11)(D)(ii)), by striking `(as added by section 101 of Public Law 105-17)';
 - (2) in section 105(b)(1)(A)(ii) (29 U.S.C. 725(b)(1)(A)(ii)), by striking `682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)' and inserting `671 of the Individuals with Disabilities Education Act';

- (3) in section 105(c)(6) (29 U.S.C. 725(c)(6))--
 - (A) by striking `612(a)(21)' and inserting `612(a)(20)';
 - (B) by striking `Individual with' and inserting `Individuals with'; and
 - (C) by striking `(as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)';
- (4) in section 302(f)(1)(D)(ii) (29 U.S.C. 772 (f)(1)(D)(ii)), by striking `(as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17))';
- (5) in section 303(c)(6) (29 U.S.C. 773(c)(6))--
 - (A) by striking `682(a)' and inserting `671'; and
 - (B) by striking `(as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)'; and
- (6) in section 303(c)(4)(A)(ii) (29 U.S.C. 773(c)(4)(A)(ii)), by striking `682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)' and inserting `671 of the Individuals with Disabilities Education Act'.
- (i) PUBLIC HEALTH SERVICE ACT- The Public Health Service Act (42 U.S.C. 201 et seq.) is amended--
 - (1) in section 399A(f) (42 U.S.C. 280d(f), by striking `part H' and inserting `part C';
 - (2) in section 399(n)(3) (42 U.S.C. 280c-6(n)(3)), by striking `part H' and inserting `part C';
 - (3) in section 399A(b)(8) (42 U.S.C. 280d(b)(8)), by striking `part H' and inserting `part C';
 - (4) in section 562(d)(3)(B) (42 U.S.C. 290ff-1(d)(3)(B)), by striking `and H' and inserting `and C'; and
 - (5) in section 563(d)(2) (42 U.S.C. 290ff-2(d)(2)), by striking `602(a)(19)' and inserting `602'.
- (j) SOCIAL SECURITY ACT- The Social Security Act (42 U.S.C. 301 et seq.) is amended--
 - (1) in section 1903(c) (42 U.S.C. 1396b(c)), by striking `part H' and inserting `part C'; and
 - (2) in section 1915(c)(5)(C)(i) (42 U.S.C. 1396n(c)(5)(C)(i)), by striking `(as defined in section 602(16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401(16), (17))' and inserting `(as such terms are defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401))'.
- (k) Domestic Volunteer Service Act of 1973- Section 211(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011(a)) is amended--
 - (1) by striking `part H' and inserting `part C'; and
 - (2) by striking `1471' and inserting `1431'.

(l) HEAD START ACT- The Head Start Act (42 U.S.C. 9831 et seq.) is amended--

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(1) in section 640(a)(5)(C)(iv) (42 U.S.C. 9835(a)(5)(C)(iv)), by striking `1445' and inserting `1444';

(2) in section 640(d) (42 U.S.C. 9835(d))--

(A) by striking `U.S.C.' and inserting `U.S.C.'; and

(B) by striking `1445' and inserting `1444';

(3) in section 641(d)(3) (42 U.S.C. 9836(d)(3)), by striking `U.S.C 1431-1445' and inserting `U.S.C. 1431-1444'; and

(4) in section 642(c) (42 U.S.C. 9837(c)), by striking `1445' and inserting `1444'.

(m) National and Community Service Act of 1990- Section 101(21)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21)(B)) is amended--

(1) by striking `602(a)(1)' and inserting `602'; and

(2) by striking `1401(a)(1)' and inserting `1401'.

(n) Developmental Disabilities Assistance and Bill of Rights Act of 2000- The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) is amended--

(1) in section 125(c)(5)(G)(i) (42 U.S.C. 15025(c)(5)(G)(i)), by striking `subtitle C' and inserting `part C'; and

(2) in section 154(a)(3)(E)(ii)(VI) (42 U.S.C. 15064(a)(3)(E)(ii)(VI))--

(A) by striking `682 or 683' and inserting `671 or 672'; and

(B) by striking `(20 U.S.C. 1482, 1483)'.

(o) District of Columbia School Reform Act of 1995- The District of Columbia School Reform Act of 1995 (Public Law 104-134) is amended--

(1) in section 2002(32)--

(A) by striking `602(a)(1)' and inserting `602'; and

(B) by striking `1401(a)(1)' and inserting `1401';

(2) in section 2202(19), by striking `Individuals With' and inserting `Individuals with'; and

(3) in section 2210--

(A) in the heading for subsection (c), by striking `WITH DISABILITIES' and inserting `WITH DISABILITIES'; and

(B) in subsection (c), by striking `Individuals With' and inserting `Individuals with'.

SEC. 306. COPYRIGHT.

Section 121 of title 17, United States Code, is amended--

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

`(c) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a publisher of print instructional materials for use in elementary or secondary schools to create and distribute to the National Instructional Materials Access Center copies of the electronic files described in sections 612(a)(23)(C),

613(a)(6), and section 674(e) of the Individuals with Disabilities Education Act that contain the contents of print instructional materials using the National Instructional Material Accessibility Standard (as defined in section 674(e)(3) of that Act), if--

- `(1) the inclusion of the contents of such print instructional materials is required by any State educational agency or local educational agency;
- `(2) the publisher had the right to publish such print instructional materials in print formats; and
- `(3) such copies are used solely for reproduction or distribution of the contents of such print instructional materials in specialized formats.'; and
- (3) in subsection (d), as redesignated by this section--
 - (A) in paragraph (2), by striking `and' after the semicolon; and
 - (B) by striking paragraph (3) and inserting the following:
- `(3) `print instructional materials' has the meaning given under section 674(e)(3)(C) of the Individuals with Disabilities Education Act; and
- `(4) `specialized formats' means--
 - `(A) braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities; and
 - `(B) with respect to print instructional materials, includes large print formats when such materials are distributed exclusively for use by blind or other persons with disabilities.'

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

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